

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health

Petition No. 2001-0509-011-014

vs.

Robin Yarrow, LPN, Lic. No. 022548
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated April 1, 2002. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Robin Yarrow (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On April 17, 2002, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that respondent's licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing, scheduling a hearing for May 1, 2002. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1-5 indicates that the Summary Suspension Order, Notice of Hearing and Statement of Charges were delivered by certified mail to respondent on April 18, 2002.

The hearing took place on May 1, 2002, in the Council Chambers, Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, May 1, 2002, p. 3. Respondent did not file an Answer to the Statement of Charges.

During the hearing, the Department made an oral motion to deem allegations admitted. The Board granted the Department's motion. Transcript, May 1, 2002, p. 6.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued licensed practical nurse license number 022548 on June 1, 1998. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-3.
2. Respondent was employed as a licensed practical nurse at the Veterans Home and Hospital, Rocky Hill, Connecticut since 1988 . Dept. Exh. 1-2A.
3. On or about April 26, 2001, respondent was arrested by the East Hampton, Connecticut Police Department for fraudulently obtaining a prescription for the controlled substance Percocet at Brooks Pharmacy, East Hampton, Connecticut. Dept. Exh. 1-2.
4. During 2001, respondent abused alcohol and the controlled substances Percocet and Vicodin. The Percocet and Vicodin which respondent abused, were prescribed for her father-in-law. Dept. Exh. 1-2, 1-2B

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Robin Yarrow held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by *Conn. Gen. Stat.* §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges that on or about April 26, 2001, respondent was arrested for fraudulently obtaining prescription.

PARAGRAPH 4 of the Statement of Charges alleges that on one or more occasions in 2001, respondent abused or excessively used Vicodin, Percocet and/or alcohol.

PARAGRAPH 5 of the Statement of Charges alleges that respondent's abuse of Vicodin, Percocet and/or alcohol does and/or may affect her practiced as a licensed practical nurse.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to §19-9-20 of the Regulations of Connecticut State Agencies, the Board deems the allegations in the Statement of Charges to be admitted.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 3, 4, and 5 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b)(2) and 19a-17.

Order

Pursuant to its authority under *Conn. Gen. Stat.* §19a-17 and §20-99, the Board of Examiners for Nursing hereby orders the following:

That for Paragraph 3 of the Statement of Charges, respondent's licensed practical nurse license, number 022548, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

That for Paragraph 4 of the Statement of Charges, respondent's licensed practical nurse license, number 022548, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

That for Paragraph 5 of the Statement of Charges, respondent's licensed practical nurse license, number 022548, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Robin Yarrow, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 18th day of September 2002.

BOARD OF EXAMINERS FOR NURSING

By Patricia Casey Aron

CERTIFICATION

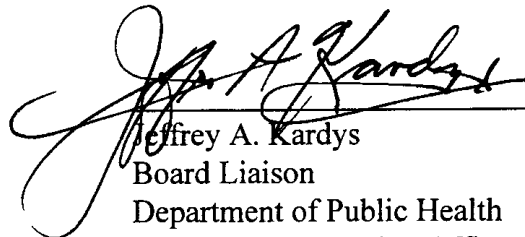
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 19th day of September 2002, by certified mail, return receipt requested and first class mail to:

Robin Yarrow
140 Great Hill Pond Road
Portland, CT 06480

Certified Mail RRR #70993400001827342519

and by Inter-Departmental Mail to:

Stanley K. Peck, Director
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys
Board Liaison
Department of Public Health
Public Health Hearing Office